

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

MARK HEMSTREET and  
GREGG CLAPPER,

Civil No. 07-732-ST

Plaintiffs,

v.

ORDER

BRADLEY DUNCAN, RANDY SCORBY,  
DARREN CHANDLER and JOHN DOES 1-6,

Defendants.

MARSH, Judge.

Magistrate Judge Janice M. Stewart filed her Findings and Recommendation on May 5, 2008. The matter is now before me. See 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ P. 72(b). No objections have been timely filed. This relieves me of my obligation to give the factual findings de novo review. See §636(b)(1)(C); Simpson v. Lear Astronics Corp., 77 F.3d 1170, 1174-5 (9th Cir. 1996). Having reviewed the legal principles de novo, I find no error.

Accordingly, I ADOPT Magistrate Judge Stewart's Findings and Recommendation #70. Plaintiffs' Motion for Voluntary Dismissal

Without Prejudice Pursuant to Fed R Civ P 41(a)(2) (docket #56) is GRANTED, conditioned on plaintiffs' agreement to dismiss with prejudice and not further prosecute an ORICO claim arising out of the same facts supporting the ORICO claim which this court previously dismissed with prejudice.

IT IS SO ORDERED.

DATED this 21 day of May, 2008.

/s/ Malcolm F. Marsh  
Malcolm F. Marsh  
United States District Judge